

HOUSE BILL 1491

By Towns

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 7, Part 1, relative to student athletes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) A public institution of higher education that participates in intercollegiate athletic competition as a member institution of an athletic association, conference, or other group or organization with authority over intercollegiate athletics, shall not in any way penalize a student athlete, as defined in § 49-7-2102, based on gifts, benefits, or inducements given to the student athlete or the student athlete's family by a booster.

(b) As used in this section:

(1) "Booster" means a representative of the institution's athletic interests;

and

(2) "Penalize" includes playing or not playing an athlete, and awarding or not awarding a scholarship.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "student athlete" has the same meaning as in § 49-7-2102.

(b) A public institution of higher education shall not:

(1) Create or uphold any rule, requirement, standard, or other limitation that prevents a student athlete from earning compensation from the use of the

student athlete's name, image, or likeness. Earning compensation from the use of a student athlete's name, image, or likeness shall not affect a student athlete's scholarship eligibility at a public institution of higher education;

(2) Prevent a student athlete from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents in accordance with part 21 of this chapter or legal representation provided by attorneys;

(3) Enter into a contract that prevents a student athlete from using the student athlete's name, image, or likeness when the student athlete is not engaged in official activities associated with the public institution of higher education or a public institution of higher education athletic team; and

(4) Provide a prospective student athlete with compensation in relation to the student athlete's name, image, or likeness.

(c)

(1) A student athlete shall not enter into a contract that provides compensation to the student athlete for use of the student athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the student athlete's team contract.

(2) A student athlete who enters into a contract that provides compensation to the student athlete for use of the student athlete's name, image, or likeness must disclose the contract to an official of the public institution of higher education at which the student athlete participates in intercollegiate athletics; however, the public institution of higher education shall not punish a student for failure to disclose a contract entered into pursuant to this section.

(3) If the public institution of higher education finds a conflict between a student athlete's contract disclosed under subdivision (c)(2) and the student athlete's team contract, then the public institution of higher education shall disclose the alleged conflict to the student athlete or the student athlete's athlete agent or legal representative.

SECTION 3. Section 1 of this act takes effect July 1, 2021, the public welfare requiring it. Section 2 of this act takes effect July 1, 2021, the public welfare requiring it, and applies to contracts entered into on or after that date.